

AFFIDAVIT IN SUPPORT OF A COMPLAINT

I, Thomas J. Zukauskas, being duly sworn, state:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation ("FBI") and have been so employed since April 2006. Since July 2017, I have been assigned to the FBI Boston Division's Violent Crimes Task Force ("VCTF"), which is comprised of law enforcement personnel from the FBI, Boston Police Department ("BPD"), Massachusetts State Police ("MSP"), Malden, Saugus, Somerville, and Dedham Police Departments. As a Special Agent with the FBI, I have worked investigations dealing with violent crimes such as bank and commercial robberies, Hobbs Act offenses, murder for hire, extortion, and crimes against persons. In addition to violent crimes, I have also worked investigations involving bank and wire fraud, aggravated identity theft, and money laundering. I have also received specialized training regarding investigative techniques, evidence collection, and evidence preservation.

2. I submit this affidavit in support of a criminal complaint charging Jammy ALPHONSE (date of birth XX/XX/1993), a convicted felon, with one count of being a felon in possession of a firearm and ammunition, in violation of 18 U.S.C. § 922(g)(1).

3. The facts stated herein are based on my own personal involvement with this investigation as well as from information provided to me by other law enforcement officers involved in the investigation. Because this affidavit is submitted for the limited purpose of securing authorization for the requested criminal complaint, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish the necessary foundation for the requested criminal complaint.

PROBABLE CAUSE

Prior Conviction

4. On August 4, 2021, I conducted a query of criminal history databases for ALPHONSE. I learned that ALPHONSE has at least one prior felony conviction including a Lynn District Court (Case No. 1813CR001114) conviction for credit card fraud over \$250, in violation of MGL Ch. 266 § 37C(e).¹ ALPHONSE was sentenced to one year imprisonment on or about February 7, 2020 in connection with this charge.

July 26, 2021 Shooting Investigation

5. On July 26, 2021, at approximately 1:45 a.m., Cambridge Police Department (“CPD”) responded to the area of Cherry Street and Harvard Street in Cambridge, MA, for a report of shots fired. Emergency Communications Center (“ECC”) reported a “shot spotter” activation from that location as well. Upon CPD response to the area of shots fired, CPD officers observed a dark-colored vehicle leaving the area of Cherry Street and Harvard Street. CPD officers notified the ECC of their observation of a black Toyota Camry, MA Reg ending in N27 (hereinafter, the “SUSPECT VEHICLE”), fleeing the area. CPD attempted to conduct a motor vehicle stop of the vehicle, but the SUSPECT VEHICLE failed to stop and fled in the direction of Somerville, MA.

6. After the SUSPECT VEHICLE was observed fleeing the area of the gun shots, another CPD unit observed the SUSPECT VEHICLE run through a red light at the corner of Columbia Street and Cambridge Street and proceed down Webster Avenue towards Somerville, MA.

¹ The maximum punishment for a conviction of this statute is imprisonment in a jail or house of correction for not more than two and one half years or in the state prison for not more than five years.

7. Shortly thereafter, at approximately 2:13 a.m. on July 26, 2021, MSP located the SUSPECT VEHICLE crashed and abandoned at the Government Center exit ramp on Interstate 93. MSP secured the SUSPECT VEHICLE and had it towed back to CPD.

8. Following the shots fired call, CPD canvassed the area of Cherry Street and Harvard Street for victims, witnesses, and evidence. Witnesses interviewed by CPD stated that they heard multiple gun shots in the area of Cherry Street and Harvard Street around the time of the reported incident. In addition, CPD's investigation revealed that a round was fired into an air conditioner at 167 Cherry Street and multiple rounds were fired into a motor vehicle located in vicinity of 167-169 Cherry Street. CPD used MSP Crime Scene Services to collect evidence at the scene of the shooting, including approximately 21 shell casings: sixteen .40 caliber and five .9mm.

9. Subsequent investigation into the SUSPECT VEHICLE revealed that, among other things, on June 11, 2021, Massachusetts State Police ("MSP") conducted a routine car stop of the SUSPECT VEHICLE on Route 1 North in Malden, MA, based upon an automobile infraction. ALPHONSE was identified as the driver of the SUSPECT VEHICLE. During the car stop, ALPHONSE provided his Massachusetts driver's license to MSP. ALPHONSE's Massachusetts driver's license was suspended at the time of the car stop and a citation was issued.

Identification of ALPHONSE's Apartment in East Boston

10. Through its investigation, law enforcement learned that ALPHONSE was residing at an apartment building in East Boston (hereinafter the "SUBJECT PREMISES") under the name and personal identifying information ("PII") of another individual with the initials, "M.A." On July 28, 2021, FBI Boston VCTF served a federal subpoena to the apartment building in East Boston where ALPHONSE was residing for records in connection with the SUBJECT PREMISES.

11. Law enforcement reviewed video surveillance from the apartment building on July 25, 2021, and July 26, 2021 (the day preceding and the date of the shooting in Cambridge). Law enforcement observed a male, believed to be ALPHONSE, enter the apartment building on July 25, 2021 (the day preceding the shooting) at approximately 6:37 p.m., along with two other males.² ALPHONSE was wearing a white sweatshirt, black pants, dark colored boots with silver lace holes, and a dark colored cross body bag under his left arm. The three males proceeded through the apartment lobby to the elevator banks, entered the elevator, and pressed the button for Floor 5, which is the floor where the SUBJECT PREMISES is located.

12. On July 26, 2021, at approximately 2:34 a.m. (approximately 21 minutes after the SUSPECT VEHICLE was found crashed and abandoned following the shooting in Cambridge), ALPHONSE is seen entering the main entrance to the apartment building. ALPHONSE is described as a black male, wearing a black hoodie, black pants, dark colored boots with silver lace holes, and a dark colored cross body bag under his left arm. ALPHONSE proceeded through the apartment lobby to the elevator banks, entered the elevator, and pressed the button for Floor 5, which is the floor where the SUBJECT PREMISES is located.

Additional Video Surveillance from July 25, 2021 and July 26, 2021 Linking ALPHONSE to the Shooting and Crash

13. In addition to the video surveillance obtained from the apartment building, on July 29, 2021, FBI Boston VCTF conducted a video canvas of the area surrounding the apartment building as well as the area of Faneuil Hall Marketplace, a location in Boston near the crash and abandonment of the SUSPECT VEHICLE. FBI Boston VCTF also coordinated with CPD and

² I have reviewed a photograph associated with ALPHONSE's driver's license on the Massachusetts Registry of Motor Vehicles site as well as images of ALPHONSE from prior arrests. I have compared those images to the video surveillance and believe that they depict the same person.

other law enforcement agencies regarding additional surveillance related to the night of the shooting. Additional video surveillance from the area surrounding the apartment building showed an individual, believed to be ALPHONSE, leaving the apartment building earlier in the evening on July 25, 2021, and getting into a vehicle that is consistent with the SUSPECT VEHICLE.³ Additionally, video surveillance from the area surrounding the apartment building showed an individual, believed to be ALPHONSE, returning to the apartment building at approximately 2:33 a.m., as a passenger in a different vehicle from the SUBJECT VEHICLE. ALPHONSE is seen exiting the passenger side door of the vehicle and entering the apartment building where the SUBJECT PREMISES is located.

14. On July 29, 2021, FBI Boston VCTF conducted a video canvas in the vicinity of Faneuil Hall Marketplace in Boston in connection with the crash and abandonment of the SUSPECT VEHICLE following the shooting in Cambridge on the night of July 26, 2021. CPD advised FBI Boston VCTF that they had observed a black male, dressed in all black, running from the direction of the crash, through the North Market on July 26, 2021 at approximately 1:58 a.m. Law enforcement reviewed video surveillance from a business located on Union Street, which is adjacent to the Faneuil Hall area, which revealed that, on July 26, 2021, at approximately 2:01 a.m., ALPHONSE, dressed in all black, was observed talking on his phone while walking directly in front of the business.

Search of the SUSPECT VEHICLE

15. On July 30, 2021, CPD executed a search warrant of the SUSPECT VEHICLE. During the execution of the search warrant, the following items were seized from the vehicle:

³ The appearance of the black Toyota Camry is consistent with the make and model of the SUSPECT VEHICLE, however, the license plate number is not visible on the video surveillance.

- a. White-colored Nike sweatshirt with emblems on the front and back consistent with the sweatshirt seen worn by ALPHONSE in surveillance footage from the apartment building on July 25, 2021.
- b. Black sweatshirt with an attached dry-cleaning tag containing the last name of M.A. written on the label.

Search Warrant for the SUBJECT PREMISES

16. On August 5, 2021, a federal search warrant was signed for the SUBJECT PREMISES. The SUBJECT PREMISES is a two-story loft-style apartment with three bedrooms.

17. On August 6, 2021, the search warrant of the SUBJECT PREMISES was executed. Upon entering the SUBJECT PREMISES, ALPHONSE was identified as the only occupant of the SUBJECT PREMISES.

18. During the search of the SUBJECT PREMISES, law enforcement located a loaded Glock Model 43X 9mm⁴ firearm on the bed in the second story bedroom. Also on the bed, law enforcement located a Louis Vuitton cross body bag, consistent with the bag seen in the video surveillance of ALPHONSE on July 25, 2021 and July 26, 2021. Within the cross body bag, law enforcement recovered a Toyota Camry key, which is the make and model of the SUSPECT VEHICLE. Also located within the bedroom, law enforcement recovered two Twin River Casino Hotel cards in ALPHONSE's name. In the closet of the same bedroom, law enforcement located the Massachusetts Uniform Citation issued to ALPHONSE on June 11, 2021 (discussed above).

⁴ This caliber firearm is consistent with shell casings recovered from the July 26, 2021 shooting in Cambridge.

In a drawer under the bed in the same bedroom, law enforcement found two letters addressed to M.A. from a utilities company and from Assurant.⁵

19. Also located within the apartment in another bedroom, law enforcement recovered multiple firearm magazines, three firearm holsters, and multiple rounds of ammunition. On the kitchen counter, law enforcement located a wallet containing a Massachusetts driver's license and several credit cards and debit cards in ALPHONSE's name. Law enforcement also located a white rock-like substance in a white paper towel wrapped inside of a mask, which was located within a plastic bag. This substance weighed approximately 12.5 grams including the plastic bag containing the substance and field-tested positive for fentanyl.

20. I know from my training and experience, that Glock firearms are not manufactured in the State of Massachusetts and, therefore, the firearm travelled in interstate and foreign commerce.

⁵ As previously mentioned, ALPHONSE was living at the SUBJECT PREMISES under the name M.A.

CONCLUSION

21. Based on all of the foregoing, I submit that there is probable cause to believe that, on or about August 6, 2021, Jammy ALPHONSE, knowing that he was previously convicted of a crime punishable by imprisonment for a term exceeding one year, did knowingly possess a firearm and ammunition in and affecting interstate and foreign commerce, in violation of Title 18, United States Code, Section 922(g)(1).

Sworn to under the pains and penalties of perjury,



Special Agent Thomas J. Zukauskas
Federal Bureau of Investigation

SWORN before me telephonically pursuant to Fed. R. Crim. P. 4.1 this 6th day of August, 2021.



HONORABLE JENNIFER C. BOAL
UNITED STATES MAGISTRATE JUDGE